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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	SYSTEM AND METHOD FOR MANIPULATING NANOTUBES
As the below named inventor(s), I/we declare that: The declaration is directed to: <input type="checkbox"/> The attached application, or <input checked="" type="checkbox"/> Application No. <u>10/044,317</u> , filed on <u>01/11/2002</u> , <input type="checkbox"/> as amended on _____ (if applicable). I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought; I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above; I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.	

FULL NAME(S) OF INVENTORS:		
Inventor one:	<u>Jian Chen</u>	
Signature:	<u><i>Jian Chen</i></u>	Date: <u>4/4/2002</u> Citizen of: <u>People's Republic of China</u>
Inventor two:	<u>Mark J. Dyer</u>	
Signature:	_____	Date: _____ Citizen of: <u>U.S.A.</u>
Inventor three:	_____	
Signature:	_____	Date: _____ Citizen of: _____
Inventor four:	_____	
Signature:	_____	Date: _____ Citizen of: _____
<input type="checkbox"/> Additional inventors are being named on _____ additional form(s) attached hereto.		



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FULL NAME(S) OF INVENTORS:		
Inventor one: <u>Jian Chen</u>		
Signature: _____	Date: _____	Citizen of: <u>People's Republic of China</u>
Inventor two: <u>Mark J. Dyer</u>		
Signature: <u><i>Mark J. Dyer</i></u>	Date: <u>1-11-02</u>	Citizen of: <u>U.S.A.</u>
Inventor three: _____		
Signature: _____	Date: _____	Citizen of: _____
Inventor four: _____		
Signature: _____	Date: _____	Citizen of: _____
<input type="checkbox"/> Additional inventors are being named on _____ additional form(s) attached hereto.		



Please type a plus sign (+) inside this box



PTO/SB/81 (02-01)
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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	10/044,317
Filing Date	Jan. 11, 2002
First Named Inventor	Jian Chen
Title	SYSTEM AND METHOD FOR MANIPULATING NANOTUBES
Group Art Unit	1614
Examiner Name	Not Yet Assigned
Attorney Docket No.	50767-P011US-10102697

I hereby appoint:

☐

Practitioners at Customer Number

Customer Number

OR

☒

Practitioner(s) named below:

Customer Number Bar Code

Name	Registration Number	Name	Registration Number
Jody C. Bishop	44,034	Michael A. Papalas	40,381
Michael J. Fogarty, III	42,541	David H. Tannenbaum	24,745
Leslie S. Garmaise	47,587	William B. Tiffany	41,347
Matthew D. Jones	44,810	R. Ross Viguet	42,203
Jerry Mahurin	34,661		
Thomas J. Meaney	41,990		

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐

The above-mentioned Customer Number.

OR

☐

Practitioners at Customer Number

Customer Number

OR

Customer Number Bar Code

☒

Firm or
Individual Name

FULBRIGHT & JAWORSKI L.L.P.

Jody C. Bishop

Address

2200 Ross Avenue
Suite 2800

City

Dallas

State

TX

Zip

75201

Country

USA

Telephone

(214) 855-8007

Fax

(214) 855-8200

I am the:

☐

Applicant/Inventor.

☒

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name

Zyvex Corporation by James Von Ehr, President and CEO

Signature

Date

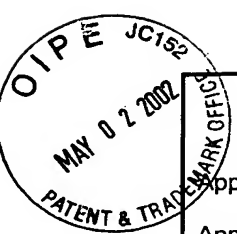
4/4/02

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below*.

☐

*Total of _____ forms are submitted.

#4



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Jian Chen, et al.

Application No./Patent No.: 10/044,317 Filed/Issue Date: January 11, 2002

Entitled: SYSTEM AND METHOD FOR MANIPULATING NANOTUBES

Zyvex Corporation, a Corporation
(Name of Assignee) Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

- 1. ☒ the assignee of the entire right, title, and interest; or
- 2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

A. [x] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

OR

B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

- 1. From: To: The document was recorded in the United States Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.
- 2. From: To: The document was recorded in the United States Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.
- 3. From: To: The document was recorded in the United States Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[] Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

April 26, 2002
Date

Jody C. Bishop
Typed or printed name
Signature
Attorney/Agent
Title

ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, made by Jian Chen and Mark J. Dyer (hereinafter referred to as Assignors), residing at 430 Buckingham, Apt. 1215, Richardson, TX 75081 and, 705 Blackfoot Court, San Jose, CA 95123 respectively;

WHEREAS, Assignors have invented certain new and useful improvements in SYSTEM AND METHOD FOR MANIPULATING NANOTUBES, set forth in a Patent application for Letters Patent of the United States, already filed on January 11, 2002 as U.S. application No. 10/044,317; and

WHEREAS, Zyvex Corporation, a Corporation organized under and pursuant to the laws of Texas having its principal place of business at 1321 North Plano Road, Richardson, Texas 75081 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefore and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefore and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the

same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

AND for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

FULBRIGHT & JAWORSKI L.L.P.

David H. Tannenbaum	24,745	Matthew D. Jones	44,810	Michael A. Papalas	40,381
Jody C. Bishop	44,034	Jerry L. Mahurin	34,661	William B. Tiffany	41,347
Michael J. Fogarty, III	42,541	Thomas J. Meaney	41,990	R. Ross Viguet	42,203

AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

Jian Chen

Date: _____

United States of America)
State of _____) ss.:
County of _____)

On this _____ day of _____, _____, before me
personally came _____ Jian Chen _____, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Notary Public

Mark J. Dyer
Mark J. Dyer

Date: 4-11-02

United States of America)
State of California) ss.:
County of _____)

On this 11 day of April, 2002, before me
personally came Mark J. Dyer, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Maureen I. Stidger
Notary Public



ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, made by Jian Chen and Mark J. Dyer (hereinafter referred to as Assignors), residing at 430 Buckingham, Apt. 1215, Richardson, TX 75081 and, 705 Blackfoot Court, San Jose, CA 95123 respectively;

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same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

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AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

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AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

Jian Chen

Jian Chen

Date: April 4, 2002

United States of America)
State of Texas) ss.:
County of Dallas)



On this 4th day of April, 2002, before me
personally came Jian Chen, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Lori Wolfe
Notary Public

Mark J. Dyer

Date: _____

United States of America)
State of _____) ss.:
County of _____)

On this _____ day of _____, _____, before me
personally came _____ Mark J. Dyer _____, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Notary Public